

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Kent Garvey, on behalf of himself and all others similarly situated,

Plaintiff(s),

James Arkoosh, Samuel Belzberg, Peter Klein and Diomed Holdings, Inc.,

Defendants.

Master File No. 1:04-cv-10438 (RGS)

Declaration of Laurence Rosen, dated July 23, 2004, in Support of Second Motion to Reconsider Motion to Appoint Lead Plaintiffs and for Approval of Lead Plaintiffs' Selection of Counsel

CLASS ACTION

I, Laurence M. Rosen, hereby declare under penalty of perjury:

1. I am a member of The Rosen Law Firm P.A., proposed Lead Counsel in the above-styled action. I make this declaration in support of the Second Motion of Kent Garvey, Albert Overhauser, James T. Marsh, Roger E. Buck, and Thomas Loveless (collectively "Movants") to Reconsider the Motion to Appoint Lead Plaintiffs and Approve Selection of Lead Counsel.

2. Attached hereto as Exhibit A is a true and accurate copy of the Complaint filed in the above-styled action. Attached to the Complaint is the certification of Kent Garvey which demonstrates Plaintiffs' class standing and requisite financial interest in the outcome of this litigation.

3. Attached as Exhibit B is a true and accurate copy of the Notice published regarding the pendency of this action, published by Plaintiff Kent Garvey in Investors Business

Daily, a national, business-oriented newspaper, on March 19, 2004. Included with the Notice is an Affidavit of Publication of Robert Delangre, an employee of Investors Business Daily.

4. Attached as Exhibit C1 is a true and accurate copy of the certification of Kent Garvey filed with the Complaint in this action on March 3, 2004.

5. Attached as Exhibit C2 is a true and accurate copy of the certification of Albert Overhauser.

6. Attached as Exhibit C3 is a true and accurate copy of the certification of James T. Marsh.

7. Attached as Exhibit C4 is a true and accurate copy of the certification of Roger E. Buck.

8. Attached as Exhibit C5 is a true and accurate copy of the certification of Thomas Loveless.

9. Attached as Exhibit D is a true and accurate copy of the reported closing stock price for Diomed common stock traded on the American Stock Exchange on March 3, 2004, as reported on Yahoo Finance.

10. Attached as Exhibit E is a true and accurate copy of the firm resume of the Rosen Law Firm P.A.

11. Attached as Exhibit F is a true and accurate copy of the firm resume of the Law Offices of Scott P. Lopez.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on July 23, 2004, at New York, New York.



---

Laurence M. Rosen, Esq.